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ARNOLD & PORTER LLP

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Washington, DC 20004-1206

May 12, 2004

VIA FACSIMILE

Mail Stop 8  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Appeal No. 2002-2046

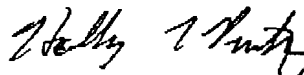
Re: U.S. Patent Application Serial No. 09/619,643 filed July 19, 2000  
Inventors: Dane K. FISHER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Atty. Dkt: 16517.291

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office, is a Request to Publish Opinion in Support of Board Decision as Binding Precedent. A courtesy copy of this letter and its attachment is being sent via facsimile to the attention of Dianne E. Maggard.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.291.

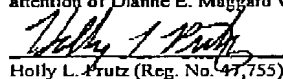
Sincerely,



David R. Marsh (Reg. No. 41,408)  
Holly L. Prutz (Reg. No. 47,755)

Attachment

I hereby certify that the foregoing transmittal letter and Request to Publish Opinion in Support of Board Decision as Binding Precedent is being facsimile transmitted to the attention of the Office of the Solicitor via facsimile number (703) 872-9306, and to the attention of Dianne E. Maggard via facsimile number (703) 308-6200.

  
Holly L. Prutz (Reg. No. 47,755)

May 12, 2004

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Washington, DC 20004-1206

OFFICIAL

**Fax Transmittal**

May 12, 2004

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
Mail Stop 8, Director of the US Patent and Trademark Office Dianne E. Maggard	(703) 872-9306 (703) 308-6200	(703) 305-9797
SENDER	SENDER'S TELEPHONE NUMBER	SENDER'S ROOM NUMBER
David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.291	4979	We are transmitting 5 page(s) (including this cover sheet)
TRANSMISSION DEADLINE (DATE & TIME)		ALTERNATE TELEPHONE NUMBER (OPTIONAL)
This document must be transmitted no later than: May 12, 2004/ASAP		Alternate telephone number at which the sender can be reached if there are difficulties with this fax: (202) 942-5159
If you experience difficulty receiving this fax transmission, please contact the operator at 202.942.5837.		
<b>MESSAGE</b>		

Re: U.S. Patent Application Ser. No. 09/619,643 filed July 19, 2000  
 Appeal No. 2002-2046  
 Confirmation No. 2183  
 Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
 Inventors: Dane K. FISHER *et al.*  
 Atty. Dkt.: 16517.291

Please see the attached.

**RUSH**

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